

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

KENNETH D. BLAKE, #123822	§	
VS.	§	CIVIL ACTION NO. 5:06cv273
WARDEN McCORMICK, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Kenneth D. Blake, an inmate confined at the Bowie County Correctional Center, filed the above-styled and numbered civil rights lawsuit. The complaint was referred to United States Magistrate Judge Caroline M. Craven, who issued a Report and Recommendation concluding that the complaint should be dismissed. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit. The Defendants have submitted competent summary judgment evidence showing that the Plaintiff did not exhaust his administrative remedies. The Plaintiff has not submitted competent summary judgment evidence in either his response (docket entry #40) or his objections (docket entry #44) showing that he, in fact, exhausted his administrative remedies. Therefore the findings and conclusions of the Magistrate Judge are adopted as the findings and conclusions of the Court. It is accordingly

ORDERED that the Defendants' motions to dismiss, or in the alternative, motions for summary judgment (docket entry numbers 31 and 32) are **GRANTED**. It is further

ORDERED that the complaint is **DISMISSED** with prejudice. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

SIGNED this 8th day of June, 2007.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE